

Notice of Allowability

Application No.

10/729,584

Applicant(s)

TUTTLE ET AL.

Examiner

JAMARA A. FRANKLIN

Art Unit

2876

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for continued examination filed on 10/31/07.
2. ☒ The allowed claim(s) is/are 1-15, 17-32, and 64.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>10/31/07</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

/Jamara A. Franklin/
Primary Examiner, Art Unit 2876

JAMARA FRANKLIN

U.S. PATENT AND TRADEMARK OFFICE
PTOL-37 (Rev. 08-06) **PRIMARY PATENT EXAMINER**

Notice of Allowability

Part of Paper No./Mail Date 20081110

DETAILED ACTION

Acknowledgment is made of the amendment filed on October 31, 2007. Claims 1-15, 17-32, and 64 are currently pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on October 31, 207 has been entered.

Information Disclosure Statement

2. The Notice of Related Applications filed on 9/11/08 is being treated as an Information Disclosure Statement (IDS). The 37 listed applications, some of which are abandoned, some of which have become patents and some of which are pending have not been considered for a couple of reasons. First, each U.S. application listed in an IDS must be identified by the inventor, application number, and filing date. See 37 CFR 1.98(b)(3). Second, applicant must provide a copy of all abandoned and pending applications that are not in IFW. See 37 CFR 1.98(a)(2) and MPEP section 609.01(B)(2). Each of the applications listed on the IDS of 9/11/08 do not satisfy one or both of the above requirements.

Allowable Subject Matter

3. Claims 1-15, 17-32, and 64 are allowed.

4. The following is an examiner's statement of reasons for allowance:

although art is known which discusses data storing devices having an integrated circuit and a conductor supported on a housing portion, the prior art of record fails to teach or fairly suggest either alone or in combination thereof:

regarding claim 1, a data storing device comprising:

a housing including first and second opposed portions;

an integrated circuit coupled to the first portion;

a battery supported by the first portion and having first and second terminals, the first terminal being coupled to the integrated circuit; and

connection circuitry coupling the second terminal of a battery to the integrated circuit to complete a circuit, the connection circuitry including a conductor supported by the second portion of the housing and movable with the second portion of the housing;

regarding claim 7, a data storing device wherein the first and second housing portions enclose and hermetically seal the integrated circuit and the battery when the first and second housing portions are in the mated position;

regarding claims 19 and 25, a portable data storing device wherein a conductor completes a circuit and supplies electrical power to an integrated circuit when the first and second portions

of the housing are sealed together and does not complete the circuit or supply the electrical power to the integrated circuit when the first and second portions are not sealed together;

regarding claim 23, a portable data storage device comprising:

a first battery disposed between first and second housing members, a first electrode of the first battery contacting a first power conductor on the first housing member;

a second battery disposed between the first and second housing members, a first electrode of the second battery contacting a second power conductor on the first housing member; and

an integrated circuit disposed on a side of the first housing member configured to be mated to the second housing member; and

regarding claim 26, a passive radio frequency identification device comprising:

a single integrated circuit having substantially all circuitry formed on a surface of the integrated circuit facing a first film, the integrated circuit being coupled to a first dipole antenna and including memory to store an identification number, a receiver coupled to the first dipole antenna to receive and decode data from a spread spectrum signal in the range of approximately 200MHz to 10GHz, control logic to perform a comparison between the received data and at least a portion of the identification number, and a transmitter coupled to the first dipole antenna to transmit a response based on the comparison.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA).

JAMARA A. FRANKLIN
PRIMARY PATENT EXAMINER


/Jamara A. Franklin/
Primary Examiner, Art Unit 2876

JAF
November 10, 2008